

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FRIEDA AARON., <i>et al.</i> ,	:	CASE NO. 1:18-cv-631
	:	
Plaintiffs,	:	(Judge Dlott)
	:	
vs.	:	(Magistrate Judge Stephanie K. Bowman)
	:	
AETNA, <i>et al.</i> ,	:	JOINT MOTION FOR
	:	SCHEDULING ORDER
Defendants.	:	

Plaintiffs and Defendants Cigna Health and Life Insurance Company¹, Medical Mutual of Ohio, Humana Health Plan of Ohio, Inc., all properly named and served Aetna Defendants, Aflac, CareSource, Indiana Comprehensive Health Insurance Association, Health Alliance Midwest, Inc. d/b/a Health Alliance, The Carle Foundation d/b/a Health Alliance, Medical Benefits Administrators, Inc., Custom Design Benefits, Golden Rule Insurance Company, United Healthcare Insurance Company, UMR, Inc. d/b/a United Medical Resources, United Health Group, Inc. d/b/a Optum, Benovation CAI Insurance Company, Government Employer Health Association, Inc., HealthSpan Partners, Anthem Health Plans of Kentucky, Anthem Health Plans of Virginia, Blue Cross and Blue Shield of Georgia, Community Insurance Company, Anthem, Inc., Anthem Insurance Companies, and Amerigroup (collectively, the “Parties”) hereby jointly move this Court for a scheduling order allowing for deviation from the deadlines prescribed in the Federal Rules of Civil Procedure due to the complexity and number of new plaintiffs and defendants involved.

¹ Cigna Health and Life Insurance Company was improperly named as Cigna Health Corporation in Plaintiffs’ Amended Complaint.

Pursuant to the Parties' proposed scheduling order, Plaintiffs would have until January 3, 2020 to serve all newly added Defendants in this action. Subsequently, all newly added Defendants in this action would be required to file a notice of appearance in lieu of an answer or other response by January 24, 2020. Then, all Defendants would have forty-five days to answer or otherwise respond to Plaintiffs' Amended Complaint or until March 9, 2020.

A memorandum in support is attached and a proposed scheduling order is being submitted simultaneously for the Court's consideration.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

This is a multi-party action involving hundreds of Plaintiffs and dozens of defendants, most of whom are health insurance providers. It is the latest outgrowth of the Durrani litigation, which has spawned numerous actions in this jurisdiction and with which this Court is undoubtedly familiar.

On October 28, 2019, over a year after the initial Complaint was filed, an Amended Complaint was filed on behalf of the Plaintiffs. The Amended Complaint made numerous changes to the Parties, including the addition of over twenty new plaintiffs and over forty defendants. Further, the Amended Complaint is significantly more complex with the addition of several new claims asserted against all Defendants, including: breach of contract, negligence, constructive fraud, ERISA: breach of fiduciary duty, and ERISA: equitable estoppel.

Given the change in plaintiffs and defendants, the Parties now seek a scheduling order similar to the December 6, 2018 Order (Doc. 23) granted by this Court staying deadlines for defendants to answer, plead or otherwise move in response to the Complaint. The goal of the proposed scheduling order is to provide the Parties and the Court time to reasonably coordinate this case and avoid a flurry of motions and answers filed on different dates dictated by inconsistent service dates.

After consultation, the Parties propose the following scheduling:

- (1) Plaintiffs shall serve all newly added Defendants in this action by January 3, 2020.
- (2) All newly added Defendants shall file a notice of appearance by January 22, 2020 in lieu answering or otherwise responding to Plaintiffs' Amended Complaint.

(3) All Defendants shall answer or otherwise respond to Plaintiffs' Amended Complaint by March 9, 2020.

If this Court deems it necessary, the Parties respectfully request a status conference to discuss the proposed scheduling order and its rationale.

For the reasons given, the Parties respectfully request their Joint Motion for Scheduling Order be granted. A proposed scheduling order is being submitted simultaneously for this Court's convenience.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2019 I electronically filed the foregoing with the Clerk of the United States District Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

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